

13281  
030104  
U.S.PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

## (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
ST94037B

Total Pages in this Submission

### TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**METHOD OF CANCER TREATMENT BY p53 PROTEIN CONTROL**

and invented by:

Serge CARILLO; Jean-Marie BLANCHARD and Marc PIECHACZYK

17302  
10/1788489  
U.S.PTO  
030104

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/405,920

Which is a:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 08/737,953

Which is a:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 34 (1-34) pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

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**Application Elements (Continued)**

3.  Drawing(s) (*when necessary as prescribed by 35 USC 113*)
  - a.  Formal Number of Sheets 1
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9.  Assignment Papers (*cover sheet & document(s)*)
10.  37 CFR 3.73(B) Statement (*when there is an assignee*)
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Certificate of Mailing  
 First Class  Express Mail (*Specify Label No.*): \_\_\_\_\_

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**Accompanying Application Parts (Continued)**

17.  Additional Enclosures (*please identify below*):

**copies of PTO-1449 and PTO-892 filed in parent applications 09/405,920 and 08/737,953 (14 pages)**

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	8	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				<b>BASIC FEE</b>	<b>\$770.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$770.00</b>

- A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- The Director is hereby authorized to charge and credit Deposit Account No. 50-1129. as described below.
- Charge the amount of \$770.00 as filing fee. Credit Card Charge for \$770.00 attached.
  - Credit any overpayment.
  - Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: March 1, 2004

  
*Signature*  
 David J. Kulik, Registration No. 36,576  
 WILEY, REIN & FIELDING LLP  
 1776 K Street, N.W.  
 Washington, D.C. 20006

cc:



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March 1, 2004

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## **VIA HAND DELIVERY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: New Divisional Application  
Claiming Priority to Serial No. 09/405,920, 08/737,953  
And PCT/FR95/00670  
Inventor: Serge CARILLO, *et al.*  
Title: "Method of Cancer Treatment By p53  
Protein Control"  
Attorney Docket: ST94037A

Dear Sir:

Please accord the enclosed application a filing date and serial number. Applicants hereby claim priority to prior U.S. application nos. 09/405,920, and 08/737,953, which is the national phase of PCT/FR95/00670, the entire contents of which are incorporated herein by reference.

Please associate the Sequence Listing and computer readable format from parent application 09/405,920 with this new divisional application.

The following are attached:

- 1) Divisional Application Transmittal Form (4 pages);
- 2) Credit Card Payment Form (1 page);
- 3) Original specification  
Specification (pages 1-34); including Sequence Listing and Abstract  
1 Sheets of Formal Drawing, including Figs. 1a and 1b;
- 4) Executed Declaration (3 pages)
- 5) Copy of Submission of Sequence Listing submitted in prior application (9 pages)
- 6) Copies of Form PTO 1449 and PTO-892 from prior applications (14 pages)
- 7) Application Data Sheet (3 pages);

Wiley Rein & Fielding LLP

Commissioner of Patents  
March 1, 2004  
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- 8) Postage-paid return receipt postcard for advance notification of application number.

Respectfully submitted,



David J. Kulik, Esq. Reg. No. 36,576

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